

200646-9



WSBA

OFFICE OF DISCIPLINARY COUNSEL

Craig Bray
Disciplinary Counsel

direct line: (206) 239-2110
fax: (206) 727-8325

October 10, 2008

Ronald R. Carpenter, Clerk
Supreme Court of Washington
Temple of Justice
PO Box 40929
Olympia, WA 98504-0929

FILED
SUPREME COURT
STATE OF WASHINGTON
2008 OCT 13 A 8:20
BY RONALD R. CARPENTER
CLERK

Re: In re Shane O. Nees, Bar No. 29944
Public No. 08#00078

Dear Mr. Carpenter:

Enclosed is a Petition for Interim Suspension of Shane O. Nees, with attached Exhibits 1 through 11 representing the Association's unsuccessful efforts to obtain responses from Mr. Nees to three separate grievances filed with the Association by former clients of his.

Also enclosed is a declaration of service by certified and regular mail. We will also attempt to serve Mr. Nees by personal service and file the appropriate declaration if we are successful. See ELC 7.2(b)(1).

Please present these documents to the Chief Justice for appropriate action.

Sincerely,

Craig Bray
Disciplinary Counsel

Enclosures

cc: Respondent
Public Bar File

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

In re

SHANE O. NEES,
Lawyer (Bar No. 29944).

Public No. 08#00078

ASSOCIATION'S PETITION
FOR INTERIM SUSPENSION
[ELC 7.2(a)(3)]

FILED
SUPREME COURT
STATE OF WASHINGTON
2008 OCT 13 A 8:20
BY RONALD L. CARPENTER
CLERK

Under Rule 7.2(a)(3) of the Rules for Enforcement of Lawyer Conduct (ELC), the Washington State Bar Association (Association) petitions this Court for an Order of Interim Suspension of Respondent Shane O. Nees pending cooperation with the disciplinary investigation.

This Petition is based on the Declaration of Disciplinary Counsel Craig Bray, filed with this Petition.

STATEMENT OF GROUNDS/ARGUMENT

Respondent Shane O. Nees failed to respond to three separate grievances filed against him by his former clients Michael Miner, Orville Walden, and Charlene Bee and failed to appear at a non-cooperation deposition to which he was subpoenaed.

Respondent failed to produce his files and records in the underlying matters despite being served with subpoenas duces tecum issued by Disciplinary Counsel under ELC 5.3(f)(1). The subpoenas were issued due to Respondent's failure to respond to the Miner, Walden, and Bee grievances.

The Association sought Respondent's response to the Miner grievance on April 22, 2008. Receiving no response the Association, on May 29, 2008, sent a certified "10-day" letter under ELC 5.3(f)(1) to Respondent at the address he then had on file with the Association.¹ The 10-day letter was returned, unclaimed, on July 1, 2008.

The Association requested Respondent's response to the Walden grievance on May 14, 2008. The first request was returned as Respondent had changed his address. On May 28, 2008, the Association re-sent the request to the new address Respondent had on file with the Association. Receiving no response, the Association sent a certified 10-day letter under ELC 5.3(f)(1) to Respondent at his new address on July 1, 2008. The 10-day letter was returned, unclaimed, on July 24, 2008. To date, the Association has received no response from Respondent to the Walden grievance.

The Association requested Respondent's response to the Bee grievance on May 21, 2008. The first request was returned as Respondent had changed his address. The Association re-sent the request to Respondent's new address on June 3, 2008. Receiving no response, the

¹ Prior to May 22, 2008, the address Respondent had on file with the Association was on Pines Road in Spokane, WA. The initial Miner request was sent there. On May 22, 2008, Respondent changed the address he had on file with the Association to a P.O. Box in Fairfield, WA. The Miner 10-day letter was sent to the P.O. Box address.

Association sent a certified 10-day letter under ELC 5.3(f)(1) to Respondent at his new address on July 8, 2008. Respondent signed for receipt of the Bee 10-day letter on July 10, 2008. To date, the Association has received no response from Respondent to the Bee grievance.

On September 8, 2008, the Association caused the Respondent to be personally served with three subpoenas duces tecum, one for each of the above grievances, requesting his client files and records in the matters underlying the three grievances and requiring his attendance at a non-cooperation deposition on September 23, 2008. Respondent failed to produce the records and did not attend the deposition.

It is necessary to obtain Respondent's responses and records so the Association can determine if Respondent violated the Rules of Professional Conduct (RPC). By refusing to respond and/or produce records, Shane O. Nees has impeded and delayed the disciplinary process. Accordingly, the Association asks this Court to order Shane O. Nees's immediate interim suspension pending compliance with the Association's investigation.

STANDARD

Under ELC 7.2(a)(3), a respondent lawyer may be suspended immediately from the practice of law when the lawyer fails without good cause to comply with a request from the Association for information or

documents or fails without good cause to comply with a subpoena.² Lawyer Shane O. Nees's failure to comply with the Association's requests for response and subpoenas meets this standard.

EFFECT OF RESPONDENT'S FAILURE TO COOPERATE

The lawyer discipline system provides "protection of the public and preservation of confidence in the legal system." In re Disciplinary Proceeding Against McMurray, 99 Wn.2d 920, 930, 655 P.2d 1352 (1983). Given the limited resources available to investigate allegations of lawyer misconduct, "such investigations depend upon the cooperation of attorneys." Id. at 931. "Compliance with these rules is vital." In re Disciplinary Proceeding Against Clark, 99 Wn.2d 702, 707, 663 P.2d 1339 (1983).

Because Shane O. Nees has neither produced records, responded to the Miner, Walden, and Bee grievances, or appeared for a deposition, the Association has not been able to determine whether his conduct violated

² ELC 7.2(a)(3) provides:

Failure to Cooperate with Investigation. When any lawyer fails without good cause to comply with a request under rule 5.3(f) for information or documents, or with a subpoena issued under rule 5.3(f), or fails to comply with disability proceedings as specified in rule 8.2(d), disciplinary counsel may petition the Court for an order suspending the lawyer pending compliance with the request or subpoena. If the lawyer complies with the request or subpoena, the lawyer may petition the Court to terminate the suspension on terms the Court deems appropriate.

200646-9

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

In re

SHANE O. NEES,
Lawyer (Bar No. 29944).

Public No. 08#00078

DISCIPLINARY COUNSEL
DECLARATION

FILED
SUPREME COURT
STATE OF WASHINGTON
2008 OCT 13 A 8:20
BY RONALD S. JOHNSON
CLERK

I, Craig Bray, declare and state:

1. I am the disciplinary counsel assigned to the disciplinary proceedings against respondent lawyer, Shane O. Nees. This statement is submitted in support of the Petition for Interim Suspension filed by the Washington State Bar Association (Association).

2. On April 21, 2008, Michael Miner filed a grievance with the Association alleging that Respondent failed to communicate with him, failed to diligently represent him, and failed to return his file after he terminated the representation. Attached as Exhibit 1 is a true and correct copy of Mr. Miner's grievance and the Association's April 22, 2008 letter requesting Respondent's written response. The letter was mailed to the address Respondent had on file with the Association at the time and was not returned.

3. Respondent did not respond to the Miner grievance.

4. On May 22, 2008, Respondent changed the address he had on file with the Association to a P.O. Box.

5. On May 29, 2008, the Association sent a letter under ELC 5.3(f)(1) to Respondent at his P.O. Box address. The letter notified Respondent that he needed to respond to Mr. Miner's grievance within ten days or the Association would schedule his deposition. The letter was sent by certified mail. The letter was returned unclaimed on July 1, 2008. Attached as Exhibit 2 is a true and correct copy of the Association's May 29, 2008 letter and the returned envelope.

6. On May 12, 2008, Orville Walden filed a grievance with the Association alleging that Respondent failed to communicate with him and failed to diligently represent him. Attached as Exhibit 3 is a true and correct copy of Mr. Walden's grievance and the Association's May 14, 2008 letter requesting Respondent's written response, mailed to the address he had on file with the Association prior to May 22, 2008.

7. On May 27, 2008, the Association's May 14, 2008 letter was returned, "not deliverable as addressed." Attached as Exhibit 4 is a true and correct copy of the returned envelope.

8. On May 28, 2008, the Association re-sent the letter seeking Respondent's response to his new address of record, the P.O. Box address. Attached as Exhibit 5 is a true and correct copy of the Association's May 28, 2008 letter regarding the Walden grievance (without enclosures). The letter was not returned.

9. Respondent did not respond to the Walden grievance.

10. On July 1, 2008, the Association sent a letter under ELC 5.3(f)(1) to Respondent's P.O. Box address and requested his response to Mr. Walden's grievance within ten days or the Association would schedule his deposition. The letter was sent certified mail. On July 24, 2008, the letter was returned unclaimed. Attached as Exhibit 6 is a true and correct copy of the Association's July 1, 2008 letter and the returned envelope.

11. On May 19, 2008, Charlene Bee filed a grievance with the Association alleging that Respondent failed to communicate with her, failed to diligently represent her, and failed to withdraw from the representation when requested to do so. Attached as Exhibit 7 is a true and correct copy of Ms. Bee's grievance and the Association's May 21, 2008 letter requesting Respondent's written response, mailed to the address he then had on file with the Association.

12. The Association's May 21, 2008 letter was returned by the Post Office due to Respondent's change of address. On June 3, 2008, the Association re-mailed the grievance and request to respond to Respondent at his new address of record, the P.O. Box address. Attached as Exhibit 8 is the Association's June 3, 2008 letter (without enclosures). The letter was not returned.

13. Respondent did not respond to the Bee grievance.

14. On July 8, 2008, the Association sent a letter under ELC 5.3(f)(1) to Respondent's P.O. Box address and requested his response to Ms. Bee's grievance within ten days or the Association would schedule the Respondent's deposition. The letter was sent certified mail and Respondent signed for it on July 10, 2008. Attached as Exhibit 9 is a true and correct copy of the Association's July 8, 2008 letter and the signed receipt.

15. Respondent did not respond.

16. On September 5, 2008, the Association issued subpoenas duces tecum in each of the above grievances requiring Respondent to appear for a September 23, 2008 deposition and to produce records relating to his representation of Miner, Walden, and Bee. Attached as Exhibit 10 are true and correct copies of the subpoenas duces tecum and the Association's September 5, 2008 letters.

17. Respondent was personally served with the subpoenas on September 8, 2008. Attached as Exhibit 11 are true and correct copies of the declarations of service for each subpoena.

18. Respondent failed to appear for the September 23, 2008 deposition and has failed to produce any records in response to the subpoenas.

I certify under penalty of perjury under the laws of the
State of Washington that the foregoing is true and correct.

10/10/2008 Seattle, WA
Date & Place

CBS
Craig Bray, Bar No. 20821
Disciplinary Counsel

the RPC. The Association's effective and timely investigation of the grievance and protection of the public has been impeded and delayed.

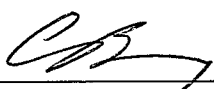
CONCLUSION

Respondent's failure to cooperate with a disciplinary investigation is an ongoing violation of ELC 5.3. Accordingly, the Association asks the Court to issue an order to show cause under ELC 7.2(b)(2) requiring lawyer Shane O. Nees to appear before the Court on such date as the Chief Justice may set, and show cause why this petition for interim suspension should not be granted.

DATED THIS 10th day of October, 2008.

Respectfully submitted,

WASHINGTON STATE BAR ASSOCIATION



Craig Bray, Bar No. 20821
Disciplinary Counsel
1325 4th Avenue, Suite 600
Seattle, WA 98101-2539
(206) 239-2110



WSBA

OFFICE OF DISCIPLINARY COUNSEL

Acknowledgment That We Have Received A Grievance

Date: 4/22/2008 WSBA File: 08-00644

To the Grievant:

We received your grievance against a lawyer and opened a file with the file number indicated above.

We are requesting a written response from the lawyer. You generally have a right to receive a copy of any response submitted by the lawyer. After we review the lawyer's response, if it appears that the conduct you describe is not within our jurisdiction, does not violate the Supreme Court's Rules of Professional Conduct (RPC), or does not warrant further investigation, we will write you a letter to tell you that. If we begin an investigation of your grievance, we will give you our investigator's name and telephone number. If, as a result of an investigation and formal proceeding, the lawyer is found to have violated the RPC, either the Washington State Bar Association Disciplinary Board or the Supreme Court may sanction the lawyer.

Our authority and resources are limited. We are not a substitute for protecting your legal rights. We do not and cannot represent you in legal proceedings. You should consider contacting another lawyer to represent you in any ongoing civil or criminal case or to determine whether other remedies may be available to you. If you believe criminal laws have been broken, you should contact your local police department or prosecuting attorney. There are time deadlines for both civil and criminal proceedings, so you should not wait to take other action.


Please read the enclosed form for additional information about the grievance process. Our office handles a large number of files. We urge you to communicate with us only in writing until we complete our initial review of your grievance. You should hear from us again within four weeks.

Request for Lawyer Response

To the Lawyer:

Although we have reached no conclusions on the merits of the grievance that has been filed against you, we are requesting your preliminary written response postmarked or delivered to us within **two (2) weeks** of the date of this letter. Please provide any information you believe is relevant. You must personally assure that all records, files, and accounts related to the grievance are retained until you receive written authorization from us, or until this matter is concluded and all possible appeal periods have expired. Absent special circumstances, and unless you provide us with reasons to do otherwise, we will forward a copy of your response to the grievant. If the grievant is not your client, please clearly identify any information that you believe we should withhold. The grievance process is governed by the Rules for Enforcement of Lawyer Conduct (ELC). ELC 5.3(e), a copy of which is enclosed with related rules, sets out the obligations of a respondent lawyer, including the duty to promptly file a written response. If you believe further action should be deferred because of pending litigation, please so indicate and explain the basis for your request under ELC 5.3(c)

Sincerely,


Felice P. Congalton
Senior Disciplinary Counsel

Enclosures: Lawyer Discipline in Washington

Original: Grievant: Michael Miner
cc: Lawyer: Shane O. Nees
(with enclosure and copy of grievance)



GRIEVANCE AGAINST A LAWYER



RECEIVED
APR 21 2008
WSBA OFFICE OF
DISCIPLINARY COUNSEL

Return your completed form to:

Office of Disciplinary Counsel
Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, WA 98101-2539

GENERAL INSTRUCTIONS

- Read our information sheet *Lawyer Discipline in Washington* before you complete this form, particularly the section about waiving confidentiality.
- Type or write legibly but do not use the back of any page.
- Do not fax your form to us or send your form to us via the Internet.
- If you have a disability or need assistance with filing a grievance, call us at (206) 727-8207. We will take reasonable steps to accommodate you.

INFORMATION ABOUT YOU

Miner Michael
Last Name, First Name
2220 E 32nd Ave.
Address
Spokane, WA 99203
City, State, and Zip Code
509 768 15577
Telephone Number (Day/Evening)

Alternate address/phone where we can reach you

INFORMATION ABOUT THE LAWYER

Nees, Shane
Last Name, First Name
1213 S. Pines Ste. D
Address
Spokane Valley WA 99206
City, State, and Zip Code
(509) 283-2188, ~~283-4180~~
Telephone Number
993-6990

INFORMATION ABOUT YOUR GRIEVANCE

Describe **your** relationship to the lawyer who is the subject of your grievance by checking the box that best describes you:

☒ Client
☐ Former Client
☐ Opposing Party

☐ Opposing Counsel
☐ Judicial
Other: _____

Is there a court case related to your grievance? _____ YES ☒ NO

If yes, what is the case name and file number, and who is the lawyer representing you?

Explain your grievance in your own words. Give all important dates, times, places, and court file numbers. Attach additional pages, if necessary. Attach copies (not your originals) of any relevant documents.

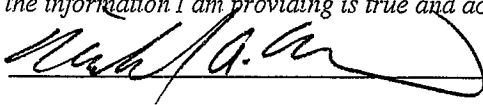
See Attachments

- Emails
- Phone records
- Complaint

AFFIRMATION

I affirm that the information I am providing is true and accurate to the best of my knowledge.

Signature:



Date:

4/16/08

Complaint

A client/attorney relationship was established with Mr. Shane Nees in April 2007. Over the course of the following year, numerous communications with Mr. Nees went unanswered. These were via email, phone messages and through conversations with his Father, also an attorney, Mr. John Nees.

Please let me stress that this is no ordinary case of simply not responding promptly to a client but a case where many communications have gone unanswered and even desperate actions like calling your office or Mr. Nees' Father have been fruitless. And the record shows that, as a client, I have been more than patient and un-demanding.

Shane Nees blatantly ignored multiple requests for progress updates on my case as well as a request that he return my case file. In a rare phone call and subsequent email confirmation on Jan. 30, Mr. Nees agreed to allow me to cancel the relationship without charge and agreed to return the entire case file.

Also on Jan 30, Shane Nees promised that my settlement brochure was finished and would be mailed to Farmers Insurance on the next day. There is no evidence that this was ever done.

I've since learned that Mr. Nees was negligent in not ever discussing a claim settlement amount with me prior to completing a settlement brochure.

On March 11, 2008, I requested the case file be returned within 10 days. This did not happen despite repeated emails, repeated voice mail messages and multiple conversations with Shane Nees' father (on March 31, John Nees told me that Shane Nees told him that the file was mailed the previous week).

Even calls/emails by Stephanie at the Washington State Bar Assn., on my behalf were ignored by Shane Nees.

I have also learned that another client of Shane Nees had similar problems. That client moved their file to Layman, Layman & Robinson of Spokane who confirmed that Shane Nees was not cooperative with the return of this client's file.

This does not constitute a complete list of the grievances with Mr. Nees but I think it is clear that Mr. Nees is a disgrace to the legal profession from which a person should expect professional behavior.

All Emails by Mr. Shane Nees or Mr. Michael Miner

Michael Miner <wrapsterman@gmail.com> Tue, Apr 24, 2007 at 12:02 PM
To: soneesx6@msn.com
Hi Shane,

Thanks for meeting with me last week (or was it the week before?).

I'm waiting for the electronic version of the client information sheet. Please email it to me when you can.

Is everything else progressing OK?

Thanks,

--

Michael Miner
www.wrapsacks.com

Shane Nees <soneesx6@msn.com> Mon, Apr 30, 2007 at 9:16 AM
To: wrapsterman@gmail.com
Hope this helps!

We are right on track.

Shane Nees

From: "Michael Miner" <wrapsterman@gmail.com>
To: soneesx6@msn.com
Subject: Miner - Farmers Claim
Date: Tue, 24 Apr 2007 12:02:01 -0700
[Quoted text hidden]

pi.form.wpd

72K

Michael Miner <wrapsterman@gmail.com> Wed, Aug 22, 2007 at 4:20 PM
To: Shane Nees <soneesx6@msn.com>
Hi Shane,

Are we making any progress on this case. I wanted to check on this before leaving the country for 3 weeks tomorrow.

Cheers,
Michael

[Quoted text hidden]
Michael Miner <wrapsterman@gmail.com> Mon, Oct 8, 2007 at 9:48 AM
To: Shane Nees <soneesx6@msn.com>
Cc: khapke@wrapsacks.com
Shane Nees,

Please allow me to make a record of the fact that 3 voice mail messages remain unanswered, as is my email of Aug. 22. The first of 3 recent voice mail messages for you was left on about Sept. 26 followed by another on Oct. 3 and another on Oct. 5.

I know of no action you've taken on my case nor are you advising me on what to do about pain in my elbow which I believe is a result of compensating for shoulder pain which was the result of my accident.

If you continue to disregard me and my case I shall have good cause to terminate our agreement.

Sincerely,
Michael Miner
509 768 5577

[Quoted text hidden]

Michael Miner <wrapsterman@gmail.com> Tue, Oct 9, 2007 at 3:31 PM
To: Shane Nees <soneesx6@msn.com>
Shane Nees,

You have 24 hours (until 5 pm Wed. Oct 10) to show me that you have progressed with my case and that you are capable of showing me sufficient respect to warrant answering any of the messages or emails that I have left for you over the past 2 weeks (according to your outgoing messages, you have been in town and working during this time).

After this deadline, I must fairly conclude that you have walked away from your agreement to provide legal counsel to me. I expect you to immediately return my complete file to me in addition to providing me your signed statement that you are no longer acting as my attorney.

Although you came recommended to me, I can only share my dissatisfaction. I fail to understand what seems only to be a cowardly avoidance of me, your client. There is certainly no excusable reason that you can't find 10 minutes to return a client's efforts to contact you. Not a single communication has been made with me since the Spring.

Sincerely,
Michael Miner

Michael Miner <wrapsterman@gmail.com> Fri, Oct 26, 2007 at 4:02 PM
To: Shane Nees <soneesx6@msn.com>
Hi Shane,

I just wanted to let you know that I saw Tod Fleming, PA-C, (tel. 344 2663) regarding my elbow on Monday, Oct 22. He diagnosed "r forearm brachialis tendinitis". I asked him about the possibility that this was a result of the auto accident and he said it was unlikely. A friend of mine who is a physical therapist told me, however, that it was possible. My own opinion is that my attempts to keep from over-exerting my hurt right shoulder caused me to over-stress my elbow.

As it doesn't look like the Farmers claim will cover this, I'm not going to physical therapy as was prescribed by Fleming. That just comes out of my own pocket. Instead I will try not to use it for the next few weeks and hope it goes away.

Please just send a simple reply to this email so I'm sure you received it.

Have a good weekend,

--

Michael Miner
www.wrapsacks.com

Michael Miner <wrapsterman@gmail.com> Fri, Nov 30, 2007 at 12:32 PM
To: Shane Nees <soneesx6@msn.com>
Hi Shane,

Attached is a copy of the medical report from my last appointment. I hope it helps.

I guess this completes the file...? Please keep me posted.

Cheers,

--

Michael Miner
www.wrapsacks.com
scan0026.pdf

53K

Michael Miner <wrapsterman@gmail.com> Mon, Dec 17, 2007 at 3:37 PM
To: Shane Nees <soneesx6@msn.com>
Hi Shane,

I haven't heard from you since I wrote this last email. Please confirm you get this.

Are we moving forward?

Thanks,
Michael

Michael Miner <wrapsterman@gmail.com> Thu, Dec 27, 2007 at 3:27 PM
To: Shane Nees <soneesx6@msn.com>
You appear to have disappeared again. 2 emails and a phone message without a response. What's going on?

--

Michael Miner
www.wrapsacks.com

Shane Nees <soneesx6@msn.com> Thu, Jan 3, 2008 at 9:35 AM
To: wrapsterman@gmail.com

Sorry, I have been out of town since December 10. I am back now trying to catch up on all the cases. I will let you know by next week where we stand exactly!

Shane Nees

Date: Thu, 17 Jan 2008 15:28:10 -0800
From: wrapsterman@gmail.com
To: soneesx6@msn.com
Subject: Miner Claim

Hi Shane,

Can you give me a call (or an email) with an update on my case?

Thanks,

--

Michael Miner
509 768 5577 cell
www.wrapsacks.com

Michael Miner <wrapsterman@gmail.com> Mon, Jan 28, 2008 at 5:29 PM
To: Shane Nees <soneesx6@msn.com>
Shane,

Once again, you are not responding to emails or phone messages and it seems your phone is now disconnected. I was referred to you by a satisfied client. On the other hand, I continue to question your professionalism. It seems that you are just tying up my case and not doing anything since I spent hours filling out the forms you gave me last Summer.

I need to know what's going on. What have you done with my claim, if anything? Or do I have to contact the Bar association to see if you are still in business?

--

Michael Miner
www.wrapsacks.com

Shane Nees <soneesx6@msn.com> Wed, Jan 30, 2008 at 2:47 PM
To: Michael Miner <wrapsterman@gmail.com>

I am writing you at your request of our conversation of today's date. I am completing your settlement package. Should you feel that I am not negotiating your case in a timely manner, I am more than willing to withdraw without any fees assessed to you or your case. As I understand it, we will continue with your case while you are out of the country. Please let me know if this does not reflect our telephonic conversation.

Shane Nees

Michael Miner <wrapsterman@gmail.com> Wed, Jan 30, 2008 at 2:52 PM
To: Shane Nees <soneesx6@msn.com>
Correct.

Please email me your phone numbers (hopefully I need not use them) and also the address to which I can send you the form from the Department of Licensing.

Michael
[Quoted text hidden]

--

Michael Miner
www.wrapsacks.com

Michael Miner <wrapsterman@gmail.com> Thu, Jan 31, 2008 at 5:19 PM

To: Shane Nees <soneesx6@msn.com>

I guess you should just come to my house and pick up the letter if I can't get an address from you. Be at my house this Saturday morning at 9am to get the letter. 2220 E 32nd, Spokane.

Michael

[Quoted text hidden]

Shane Nees <soneesx6@msn.com> Tue, Feb 5, 2008 at 11:59 AM

To: Michael Miner <wrapsterman@gmail.com>

Sorry about that.

406 Northridge Way
Box 22
Fqairfiled, WA 99012

283-2188
fax 283-2155
Hm 283-4180
993-6990

Michael Miner <wrapsterman@gmail.com> Fri, Mar 7, 2008 at 11:12 AM

To: Shane Nees <soneesx6@msn.com>

Please give me any news you do or do not have about my claim.

--

Michael Miner
www.wrapsacks.com

Cancel Miner Case

2 messages

Michael Miner <wrapsterman@gmail.com> Tue, Mar 11, 2008 at 2:01 PM

To: Shane Nees <soneesx6@msn.com>

Cc: khapke@wrapsacks.com

Hi Shane,

As you continue to ignore me (and probably also my case), I must terminate any relationship that we have and request that you forward my entire file to me at the address below. Also provide a letter stating your agreement to the termination.

Please do this within 10 days and acknowledge this via email. Your failure will result in a complaint to the Bar.

Michael Miner
www.wrapsacks.com

Michael Miner <wrapsterman@gmail.com> Mon, Mar 31, 2008 at 11:18 AM

To: Shane Nees <soneesx6@msn.com>

It has been nearly 3 weeks since I requested that you return my files and you have simply continued to ignore my request. This compounded with all the previous negligence of both my case and my correspondence leads me to take legal and ethics disciplinary action against you. I will also seek financial compensation if you don't intend to provide it.

Michael Miner

Shane Nees

1 message

Michael Miner <wrapsterman@gmail.com> Tue, Apr 8, 2008 at 4:28 PM

To: stephanief@wsba.org

Cc: soneesx6@msn.com

Hi Stephanie,

Thank you for your efforts in trying to get Shane Nees to respond to my case and to return my file. As I understand from our phone conversation on April 8, Mr. Nees has been uncooperative and failed to respond to either your phone calls or emails.

Should you need to contact Mr. Nees, his office is at 1213 S Pines, Suite D, Spokane Valley, WA 99206

Per your suggestion, I will be filing a grievance with your office regarding Mr. Nees.

Sincerely,

--
Michael Miner
www.wrapsacks.com

Some of the phone calls documented between Michael Miner and John Nees, Shane Nees' Father.

Date	Destination	Time	Number	Call Type	Minutes
Apr 16, 2008	INCOMING	8:20 AM	509-928-0649		4
Mar 31, 2008	INCOMING	10:59 AM	509-928-0649		2
3/31/08	SPOKANE, WA	10:39 AM	509-928-0649		4
3/25/08	INCOMING	11:13 AM	509-928-0649		3
1/30/08	Incoming	8:00 AM	509-928-0649		3



WSBA

OFFICE OF DISCIPLINARY COUNSEL

Felice P. Congalton
Senior Disciplinary Counsel

May 29, 2008

Shane O. Nees
Attorney at Law
PO Box 22
Fairfield, WA 99012-0022

Re: WSBA File: 08-00644
Grievance filed by Michael Miner

Dear Mr. Nees:

We asked you to provide a written response to the above referenced grievance. To the best of our knowledge, your response, which is required by Rule 5.3(e) of the Rules for Enforcement of Lawyer Conduct (ELC), has not been received.

Under ELC 5.3(e), you must file a written response to the allegations of this grievance within ten days after service of this letter, i.e., on or before **June 11, 2008**. If we do not receive your response within the ten-day period, we will subpoena you for a deposition. If we must serve a subpoena, you will be liable for the costs of the deposition, including service of process, and attorney fees of \$500. ELC 5.3(f)(2). You should be aware that failing to respond is, in itself, grounds for discipline and may subject you to interim suspension under ELC 7.2(a)(3).

Sincerely,

Felice P. Congalton
Senior Disciplinary Counsel

cc: Michael Miner

CERTIFICATE OF SERVICE

I CERTIFY THAT I CAUSED THE FOREGOING LETTER TO BE MAILED TO THE LAWYER NAMED ABOVE AT PO BOX 22, FAIRFIELD, WA 99012-0022, CERTIFIED (RETURN RECEIPT NO. 7006 2150 0000 7572 8046) MAIL, POSTAGE PREPAID, ON MAY 29, 2008.

MARSHA MATSUMOTO
SENIOR DISCIPLINARY COUNSEL

EXHIBIT

2



WSBA

OFFICE OF DISCIPLINARY COUNSEL

Acknowledgment That We Have Received A Grievance

Date: 5/14/2008 WSBA File: 08-00775

To the Grievant:

We received your grievance against a lawyer and opened a file with the file number indicated above.

We are requesting a written response from the lawyer. You generally have a right to receive a copy of any response submitted by the lawyer. After we review the lawyer's response, if it appears that the conduct you describe is not within our jurisdiction, does not violate the Supreme Court's Rules of Professional Conduct (RPC), or does not warrant further investigation, we will write you a letter to tell you that. If we begin an investigation of your grievance, we will give you our investigator's name and telephone number. If, as a result of an investigation and formal proceeding, the lawyer is found to have violated the RPC, either the Washington State Bar Association Disciplinary Board or the Supreme Court may sanction the lawyer.

Our authority and resources are limited. We are not a substitute for protecting your legal rights. We do not and cannot represent you in legal proceedings. You should consider contacting another lawyer to represent you in any ongoing civil or criminal case or to determine whether other remedies may be available to you. If you believe criminal laws have been broken, you should contact your local police department or prosecuting attorney. There are time deadlines for both civil and criminal proceedings, so you should not wait to take other action.

Please read the enclosed form for additional information about the grievance process. Our office handles a large number of files. We urge you to communicate with us only in writing until we complete our initial review of your grievance. You should hear from us again within four weeks.

Request for Lawyer Response

To the Lawyer:

Although we have reached no conclusions on the merits of the grievance that has been filed against you, we are requesting your preliminary written response postmarked or delivered to us within **two (2) weeks** of the date of this letter. Please provide any information you believe is relevant. You must personally assure that all records, files, and accounts related to the grievance are retained until you receive written authorization from us, or until this matter is concluded and all possible appeal periods have expired. Absent special circumstances, and unless you provide us with reasons to do otherwise, we will forward a copy of your response to the grievant. If the grievant is not your client, please clearly identify any information that you believe we should withhold. The grievance process is governed by the Rules for Enforcement of Lawyer Conduct (ELC). ELC 5.3(e), a copy of which is enclosed with related rules, sets out the obligations of a respondent lawyer, including the duty to promptly file a written response. If you believe further action should be deferred because of pending litigation, please so indicate and explain the basis for your request under ELC 5.3(c).

Sincerely,

Felice P. Congalton
Senior Disciplinary Counsel

Enclosures: Lawyer Discipline in Washington
Original: Grievant: Orville N. Walden
cc: Lawyer: Shane O. Nees
(with enclosure and copy of grievance)



GRIEVANCE AGAINST A LAWYER



RECEIVED

MAY 12 2008

WSBA OFFICE OF
DISCIPLINARY COUNSEL

Return your completed form to:

Office of Disciplinary Counsel
Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, WA 98101-2539

GENERAL INSTRUCTIONS

- Read our information sheet *Lawyer Discipline in Washington* before you complete this form, particularly the section about waiving confidentiality.
- Type or write legibly but do not use the back of any page.
- Do not fax your form to us or send your form to us via the Internet.
- If you have a disability or need assistance with filing a grievance, call us at (206) 727-8207. We will take reasonable steps to accommodate you.

INFORMATION ABOUT YOU

WALDEN ORVILLE (NEIL)

Last Name, First Name

Box 984

Address

MOSES LAKE WA 98837

City, State, and Zip Code

509 951 5953

Telephone Number (Day/Evening)

NONE

Alternate address/phone where we can reach you

INFORMATION ABOUT THE LAWYER

NEES SHANE

Last Name, First Name

UNKNOWN (maybe Fairfield)

Address

City, State, and Zip Code

509-993-6990 cell (maybe)

Telephone Number

509-891-0903 office (maybe)

INFORMATION ABOUT YOUR GRIEVANCE

Describe **your** relationship to the lawyer who is the subject of your grievance by checking the box that best describes you:

☒ Client

☐ Former Client

☐ Opposing Party

☐ Opposing Counsel

☐ Judicial

☐ Other: _____

Is there a court case related to your grievance? ☒ YES ☐ NO

If yes, what is the case name and file number, and who is the lawyer representing you?

WALDEN (P) V FROST (D) No. 06-2-01680-1

May 7-2008

Explain your grievance in your own words. Give all important dates, times, places, and court file numbers. Attach additional pages, if necessary. Attach copies (not your originals) of any relevant documents.

ON Oct 6 2007 Shane called us AND said the docket was too full AND our trial would be postponed (maybe). He then called approx 2 days later & said we were going to be able to go to trial but he postponed it as he had canceled the doctors that were going to testify. I wrote him two letters the second one I certified. I never heard from him in regards to the letters. We went so for the winter as all we have is a motorhome to live in. In March I left a message on his recorded and waited about two weeks before I called again & left another message. Last thursday I called his father who is a lawyer in spokane (Jon Nees) and Jon advised me to see another attorney so I would know how to proceed. I did that.

I have been involved in two other auto accidents and the attorney in both cases never called me unless they had news. one took 8 years to resolve the other 5 years so I didn't think anything was unusual

AFFIRMATION

I affirm that the information I am providing is true and accurate to the best of my knowledge.

Signature:

Neil Walder

Date:

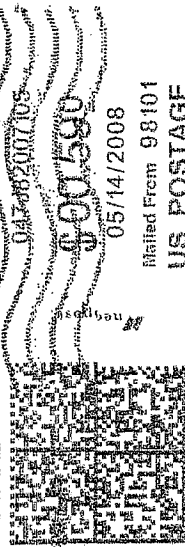
May 7 2008

BA

State Bar Association
Suite 600
1101-2539

SEATTLE WA 981

14 MAY 2008



RECEIVED

UTZ

SHANE O NEES
ATTORNEY AT LAW
323 S PINES RD
SPOKANE WA 99206-5319

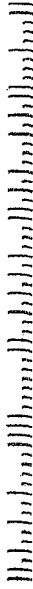
MAY 27 2008
WSBA OFFICE OF
DISCIPLINARY COUNSEL

NIXIE 992 DC 1 00 05/22/08

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 98101253950 *2426-11151-14-38

99206-5319





WSBA

OFFICE OF DISCIPLINARY COUNSEL

Felice P. Congalton
Senior Disciplinary Counsel

May 28, 2008

Shane O. Nees
Attorney at Law
PO Box 22
Fairfield, WA 99012-0022

Re: WSBA File: 08-00775
Grievance filed by Orville N. Walden

Dear Mr. Nees:

The enclosed letter to you dated May 14, 2008 was returned to us in the mail. We are sending it to you, again, at your new address. We are requesting your preliminary written response within **two (2) weeks** of the date of this letter.

Sincerely,

A handwritten signature in cursive script, reading "Felice P. Congalton".

Felice P. Congalton
Senior Disciplinary Counsel

Enclosure

cc: Orville N. Walden
(without enclosure)





WSBA

OFFICE OF DISCIPLINARY COUNSEL

Felice P. Congalton
Senior Disciplinary Counsel

July 1, 2008

Shane O. Nees
PO Box 22
Fairfield, WA 99012-0022

Re: WSBA File: 08-00775
Grievance filed by Orville N. Walden

Dear Mr. Nees:

We asked you to provide a written response to the above referenced grievance. To the best of our knowledge, your response, which is required by Rule 5.3(e) of the Rules for Enforcement of Lawyer Conduct (ELC), has not been received.

Under ELC 5.3(e), you must file a written response to the allegations of this grievance within ten days after service of this letter, i.e., on or before July 14, 2008. If we do not receive your response within the ten-day period, we will subpoena you for a deposition. If we must serve a subpoena, you will be liable for the costs of the deposition, including service of process, and attorney fees of \$500. ELC 5.3(f)(2). You should be aware that failing to respond is, in itself, grounds for discipline and may subject you to interim suspension under ELC 7.2(a)(3).

Sincerely,

Felice P. Congalton
Senior Disciplinary Counsel

cc: Orville N. Walden

CERTIFICATE OF SERVICE

I CERTIFY THAT I CAUSED THE FOREGOING LETTER TO BE MAILED TO THE LAWYER NAMED ABOVE AT PO BOX 22, FAIRFIELD, WA 99012-0022, CERTIFIED (RETURN RECEIPT NO. 7006 2150 0000 7572 1528) MAIL, POSTAGE PREPAID, ON JULY 1, 2008.

FELICE P. CONGALTON
SENIOR DISCIPLINARY COUNSEL



WSBA

Kingston State Bar Assoc
4th Avenue, Suite 600
WA 98101-2539

1ST NOTICE

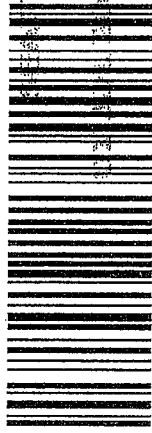
2ND NOTICE

7-3
7-8
7-18
RECEIVED

JUL 24 2008

USBA OFFICE OF
JUDICIARY COUNSEL

CERTIFIED MAIL



7006 2150 0000 7572 1528

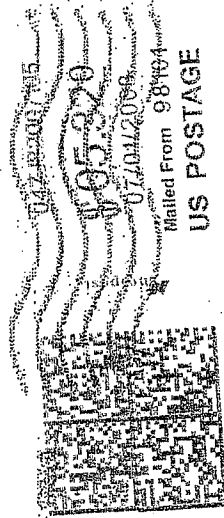
SHANE O. NEES
PO BOX 22
FAIRFIELD WA 99012-0022

NIXIE 992 DE 1 00 07/22/08

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

BC: 98101253950 *1826-05354-01-98

9901253950 02539



Mailed From 98104
US POSTAGE



WSBA

OFFICE OF DISCIPLINARY COUNSEL

Acknowledgment That We Have Received A Grievance

Date: 5/21/2008 WSBA File: 08-00819

To the Grievant:

We received your grievance against a lawyer and opened a file with the file number indicated above.

We are requesting a written response from the lawyer. You generally have a right to receive a copy of any response submitted by the lawyer. After we review the lawyer's response, if it appears that the conduct you describe is not within our jurisdiction, does not violate the Supreme Court's Rules of Professional Conduct (RPC), or does not warrant further investigation, we will write you a letter to tell you that. If we begin an investigation of your grievance, we will give you our investigator's name and telephone number. If, as a result of an investigation and formal proceeding, the lawyer is found to have violated the RPC, either the Washington State Bar Association Disciplinary Board or the Supreme Court may sanction the lawyer.

Our authority and resources are limited. We are not a substitute for protecting your legal rights. We do not and cannot represent you in legal proceedings. You should consider contacting another lawyer to represent you in any ongoing civil or criminal case or to determine whether other remedies may be available to you. If you believe criminal laws have been broken, you should contact your local police department or prosecuting attorney. There are time deadlines for both civil and criminal proceedings, so you should not wait to take other action.

Please read the enclosed form for additional information about the grievance process. Our office handles a large number of files. We urge you to communicate with us only in writing until we complete our initial review of your grievance. You should hear from us again within four weeks.

Request for Lawyer Response

To the Lawyer:

Although we have reached no conclusions on the merits of the grievance that has been filed against you, we are requesting your preliminary written response postmarked or delivered to us within **two (2) weeks** of the date of this letter. Please provide any information you believe is relevant. You must personally assure that all records, files, and accounts related to the grievance are retained until you receive written authorization from us, or until this matter is concluded and all possible appeal periods have expired. Absent special circumstances, and unless you provide us with reasons to do otherwise, we will forward a copy of your response to the grievant. If the grievant is not your client, please clearly identify any information that you believe we should withhold. The grievance process is governed by the Rules for Enforcement of Lawyer Conduct (ELC). ELC 5.3(e), a copy of which is enclosed with related rules, sets out the obligations of a respondent lawyer, including the duty to promptly file a written response. If you believe further action should be deferred because of pending litigation, please so indicate and explain the basis for your request under ELC 5.3(c)

Sincerely,

Felice P. Congalton
Senior Disciplinary Counsel

Enclosures: Lawyer Discipline in Washington
Original: Grievant: Charlene Bee
cc: Lawyer: Shane O. Nees
(with enclosure and copy of grievance)



GRIEVANCE AGAINST A LAWYER



RECEIVED
MAY 19 2008
WSBA OFFICE OF
DISCIPLINARY COUNSEL

Return your completed form to:

Office of Disciplinary Counsel
Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, WA 98101-2539

GENERAL INSTRUCTIONS

- Read our information sheet *Lawyer Discipline in Washington* before you complete this form, particularly the section about waiving confidentiality.
- Type or write legibly but do not use the back of any page.
- Do not fax your form to us or send your form to us via the Internet.
- If you have a disability or need assistance with filing a grievance, call us at (206) 727-8207. We will take reasonable steps to accommodate you.

INFORMATION ABOUT YOU

Bee Charlene
Last Name, First Name
19021 E. Maricetta
Address
Spokane Valley WA 99027
City, State, and Zip Code
509 922 7880
Telephone Number (Day/Evening)
509 701 6700
Alternate address/phone where we can reach you

INFORMATION ABOUT THE LAWYER

Nees Shane
Last Name, First Name
323 S. Pine St
Address
Spokane WA 990
City, State, and Zip Code
Telephone Number

INFORMATION ABOUT YOUR GRIEVANCE

Describe your relationship to the lawyer who is the subject of your grievance by checking the box that best describes you:

☒ Client
☐ Former Client
☐ Opposing Party

☐ Opposing Counsel
☐ Judicial
Other: _____

Is there a court case related to your grievance? _____ YES ☒ NO

If yes, what is the case name and file number, and who is the lawyer representing you?

May 12, 2008

Office of Disciplinary Counsel

Washington State Bar Association

1325 Fourth Avenue, Suite 600

Seattle WA. 98101-2539

Charlene Bee

19021 e. Marietta Ave

Spokane Valley WA 99027

1-509-922-7880 Befunnygirl51@hotmail.com

Lawyer---Shane Nees

323 South Pines Road

Spokane Valley WA. 99206

1-509-924-9800

I hire Mr. Nees on April 4, 2006 to help settle an auto accident I had at Wal-Mart parking lot on E. Broadway Spokane Valley County WA on March 6, 2006.

I have some contact with him on these dates,

April 4, 17, 24, 2006- , June 12, 20, 22, 2006, August 21, 2006, April 3, 2007 all by mail contact and me calling him with each letter sent. MY claim is now over 2 years +, and what are my rights now??? Where do I go from here? Insurance company can not settle with me as long as he is my lawyer. Excuse me Lawyer who?

I did call him back when I review a check for my car on April 17 on or about that date. He calls me and told me that they want me to take 50% of the blame. I told him no because I wasn't at fault at all.

August 21, 2006 - to the present, I then keep trying to get him by phone. Phone calls were not returned. When I did get a hold of him I told him the insurance company wanted the check back. I told him the Insurance Company has not been able to talk to him about a settlement... He said he would call him and call me back. The last time I talk to him was on March 2008. I call his old phone number and was told it is no longer in service and I call his old office and asked them for his phone number. They gave me the same one I had. And call them back and got another. Also I was told to call the bar because he has other client looking for him too. I call and still no answer .to this day I haven't talk to him and I call his father for his number and asked him to contact Shane so he would call me. The Only contact I have had is his father; (father) he said I was going to get a release form from Shane to cancel our agreement. Still no word from him since March 2008 his father is the on Nees I have talk to... His Father said to call this other lawyer and he would help after I release Shane. He also said told his father that I wouldn't settle because he asks me too. Never asked I to settle with them because when I got the check for my car that was the only times us discuss 50%.and send him the check. He did say that they mite ask me to consider it. But I told him my insurance would go up if I took the offer. He should have told me why, explain to me the

reasons if he wanted me to take the offer he didn't. Nothing since.

He has not said or calls me about anything. I told his father that I was sending the bar a complaint out.

His behavior as a lawyer is not proper. His communication not ethical to me as his client a matter of fact still no contact with him....I think if he didn't want to handle this he should have left me with the firm... His father is not my lawyer he is .So why should I have to keep in touch with his fatherAnd he is talking to me threw his father. What kind of ethical standards does he have or answer too His Father.

This is very hard on me and this is so not respectful to me as client and as a person.

All papers are included.

Sincerely,

Charlene Bee
Monday, May 12, 2008



WSBA

OFFICE OF DISCIPLINARY COUNSEL

Felice P. Congalton
Senior Disciplinary Counsel

June 3, 2008

Shane O. Nees
Attorney at Law
PO Box 22
Fairfield, WA 99012-0022

Re: WSBA File: 08-00819
Grievance filed by Charlene Bee

Dear Mr. Nees:

We are sending the enclosed letter dated May 21, 2008 to you again as it was returned to us in the mail because of your address change. Please provide us with your preliminary written response within **two (2) weeks** of the date of this letter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Felice P. Congalton".

Felice P. Congalton
Senior Disciplinary Counsel

Enclosure

cc: Charlene Bee
(without enclosure)





WSBA

OFFICE OF DISCIPLINARY COUNSEL

Felice P. Congalton
Senior Disciplinary Counsel

July 8, 2008

Shane O. Nees
PO Box 22
Fairfield, WA 99012-0022

Re: WSBA File: 08-00819
Grievance filed by Charlene Bee

Dear Mr. Nees:

We asked you to provide a written response to the above referenced grievance. To the best of our knowledge, your response, which is required by Rule 5.3(e) of the Rules for Enforcement of Lawyer Conduct (ELC), has not been received.

Under ELC 5.3(e), you must file a written response to the allegations of this grievance within ten days after service of this letter, i.e., on or before **July 21, 2008**. If we do not receive your response within the ten-day period, we will subpoena you for a deposition. If we must serve a subpoena, you will be liable for the costs of the deposition, including service of process, and attorney fees of \$500. ELC 5.3(f)(2). You should be aware that failing to respond is, in itself, grounds for discipline and may subject you to interim suspension under ELC 7.2(a)(3).

Sincerely,

Felice P. Congalton
Senior Disciplinary Counsel

cc: Charlene Bee

CERTIFICATE OF SERVICE

I CERTIFY THAT I CAUSED THE FOREGOING LETTER TO BE MAILED TO THE LAWYER NAMED ABOVE AT PO BOX 22, FAIRFIELD, WA 99012-0022, CERTIFIED (RETURN RECEIPT NO. 7006 2150 0000 7572 1559) MAIL, POSTAGE PREPAID, ON JULY 8, 2008.

FELICE P. CONGALTON
SENIOR DISCIPLINARY COUNSEL



U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com
OFFICIAL USE

Postage \$	
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$	

Postmark
Here

7/8

Sent To Shane O Nees
 Street, Apt. No.,
 or PO Box No. PO Box 22
 City, State, ZIP+4[®] Fairfield WA 99012-0022
 PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
1. Article Addressed to: <u>Shane O Nees</u> <u>PO Box 22</u> <u>Fairfield</u> <u>WA 99012-0022</u>		A. Signature <u>[Signature]</u> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee	
		B. Received by (Printed Name) _____ C. Date of Delivery <u>7-16-8</u>	
2. Article Number <i>(Transfer from service lat)</i> <u>7006 2150 0000 7572 1559</u>		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No	
		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

PS Form 3811, February 2004 Domestic Return Receipt



WSBA
OFFICE OF DISCIPLINARY COUNSEL

Craig Bray
Disciplinary Counsel

direct line: (206) 239-2110
fax: (206) 727-8325

September 5, 2008

HAND DELIVERED WITH SUBPOENA DUCES TECUM

Shane O. Nees
PO Box 22
Fairfield WA 99012-0022

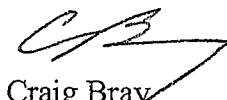
Re: Grievance of Michael Miner against lawyer Shane O. Nees
WSBA File No. 08-00644

Dear Mr. Nees:

Enclosed is a Subpoena Duces Tecum compelling your attendance at a deposition in accordance with Rules 5.5 and 5.3(f) of the Rules for Enforcement of Lawyer Conduct (ELC). The subpoena has been issued because of your failure or refusal to cooperate with this investigation. As you already have been informed, you will be liable for the costs associated with the deposition, including service of the Subpoena, court reporter charges, and a \$500 attorney fee.

We wish to avoid any further delay in the completion of this investigation. Accordingly, we will not cancel or continue the deposition unless disciplinary counsel so confirms in writing. Absent a written confirmation of cancellation or continuance, your appearance at the deposition in our offices on **September 23, 2008 at 10:30 a.m.** is mandatory. If you fail to appear, we may treat your failure to appear as a violation of disciplinary rules, we may refer this grievance to Review Committee with a recommendation of a public disciplinary hearing without your response, and we may petition the Washington Supreme Court for your immediate interim suspension from the practice of law under ELC 7.2(a)(3).

Sincerely,


Craig Bray
Disciplinary Counsel

Enclosure



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

In re

SHANE O. NEES,

Lawyer (Bar No. 29944).

WSBA File No. 08-00644

SUBPOENA DUCES TECUM

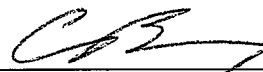
THE STATE OF WASHINGTON TO: Shane O. Nees

YOU ARE HEREBY COMMANDED under Rules 5.5 and 5.3(f) of the Rules for Enforcement of Lawyer Conduct (ELC) to be and appear at the Washington State Bar Association offices, 1325 4th Avenue, Suite 600, Seattle, WA 98101, on September 23, 2008 at 10:30 a.m. to testify in investigatory proceedings being conducted by the Washington State Bar Association.

YOU ARE FURTHER COMMANDED to bring the following with you at the above time:

1. Your complete file and whatever documents may be in your possession or control relating to your representation of Michael Miner, and all financial records, including trust account and client ledgers, canceled checks, and bank statement relating to funds received in connection with your representation of Michael Miner.

1 Dated this 5th day of September, 2008.

2
3 
4 M Craig Bray, Bar No. 20821
5 Disciplinary Counsel
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24



WSBA

OFFICE OF DISCIPLINARY COUNSEL

Craig Bray
Disciplinary Counsel

direct line: (206) 239-2110
fax: (206) 727-8325

September 5, 2008

HAND DELIVERED WITH SUBPOENA DUCES TECUM

Shane O. Nees
PO Box 22
Fairfield WA 99012-0022

Re: Grievance of Orville N. Walden against lawyer Shane O. Nees
WSBA File No. 08-00775

Dear Mr. Nees:

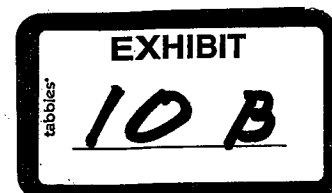
Enclosed is a Subpoena Duces Tecum compelling your attendance at a deposition in accordance with Rules 5.5 and 5.3(f) of the Rules for Enforcement of Lawyer Conduct (ELC). The subpoena has been issued because of your failure or refusal to cooperate with this investigation. As you already have been informed, you will be liable for the costs associated with the deposition, including service of the Subpoena, court reporter charges, and a \$500 attorney fee.

We wish to avoid any further delay in the completion of this investigation. Accordingly, we will not cancel or continue the deposition unless disciplinary counsel so confirms in writing. Absent a written confirmation of cancellation or continuance, your appearance at the deposition in our offices on **September 23, 2008 at 10:30 a.m.** is mandatory. If you fail to appear, we may treat your failure to appear as a violation of disciplinary rules, we may refer this grievance to Review Committee with a recommendation of a public disciplinary hearing without your response, and we may petition the Washington Supreme Court for your immediate interim suspension from the practice of law under ELC 7.2(a)(3).

Sincerely,

Craig Bray
Disciplinary Counsel

Enclosure



1
2
3
4
5
6
7 BEFORE THE
8 DISCIPLINARY BOARD
9 OF THE
10 WASHINGTON STATE BAR ASSOCIATION

11 In re

12 SHANE O. NEES,
13 Lawyer (Bar No. 29944).

WSBA File No. 08-00775

SUBPOENA DUCES TECUM

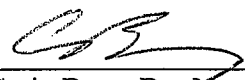
14 THE STATE OF WASHINGTON TO: Shane O. Nees

15 YOU ARE HEREBY COMMANDED under Rules 5.5 and 5.3(f) of the Rules for
16 Enforcement of Lawyer Conduct (ELC) to be and appear at the Washington State Bar
17 Association offices, 1325 4th Avenue, Suite 600, Seattle, WA 98101, on September 23, 2008 at
18 10:30 a.m. to testify in investigatory proceedings being conducted by the Washington State Bar
19 Association.

20 YOU ARE FURTHER COMMANDED to bring the following with you at the above
21 time:

22 1. Your complete file and whatever documents may be in your possession or control
23 relating to your representation of Orville N. Walden, and all financial records, including trust
24 account and client ledgers, canceled checks, and bank statement relating to funds received in
connection with your representation of Orville N. Walden.

1 Dated this 5th day of September, 2008.

2
3 
4 M Craig Bray, Bar No. 20821
5 Disciplinary Counsel
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24



WSBA

OFFICE OF DISCIPLINARY COUNSEL

Craig Bray
Disciplinary Counsel

direct line: (206) 239-2110
fax: (206) 727-8325

September 5, 2008

HAND DELIVERED WITH SUBPOENA DUCES TECUM

Shane O. Nees
PO Box 22
Fairfield WA 99012-0022

Re: Grievance of Charlene Bee against lawyer Shane O. Nees
WSBA File No. 08-00819

Dear Mr. Nees:

Enclosed is a Subpoena Duces Tecum compelling your attendance at a deposition in accordance with Rules 5.5 and 5.3(f) of the Rules for Enforcement of Lawyer Conduct (ELC). The subpoena has been issued because of your failure or refusal to cooperate with this investigation. As you already have been informed, you will be liable for the costs associated with the deposition, including service of the Subpoena, court reporter charges, and a \$500 attorney fee.

We wish to avoid any further delay in the completion of this investigation. Accordingly, we will not cancel or continue the deposition unless disciplinary counsel so confirms in writing. Absent a written confirmation of cancellation or continuance, your appearance at the deposition in our offices on **September 23, 2008 at 10:30 a.m.** is mandatory. If you fail to appear, we may treat your failure to appear as a violation of disciplinary rules, we may refer this grievance to Review Committee with a recommendation of a public disciplinary hearing without your response, and we may petition the Washington Supreme Court for your immediate interim suspension from the practice of law under ELC 7.2(a)(3).

Sincerely,

A handwritten signature of Craig Bray in black ink.

Craig Bray
Disciplinary Counsel

Enclosure



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

In re

SHANE O. NEES,
Lawyer (Bar No. 29944).

WSBA File No. 08-00819

SUBPOENA DUCES TECUM


THE STATE OF WASHINGTON TO: Shane O. Nees

YOU ARE HEREBY COMMANDED under Rules 5.5 and 5.3(f) of the Rules for Enforcement of Lawyer Conduct (ELC) to be and appear at the Washington State Bar Association offices, 1325 4th Avenue, Suite 600, Seattle, WA 98101, on September 23, 2008 at 10:30 a.m. to testify in investigatory proceedings being conducted by the Washington State Bar Association.

YOU ARE FURTHER COMMANDED to bring the following with you at the above time:

1. Your complete file and whatever documents may be in your possession or control relating to your representation of Charlene Bee, and all financial records, including trust account and client ledgers, canceled checks, and bank statement relating to funds received in connection with your representation of Charlene Bee.

1 Dated this 5th day of September, 2008.

2
3 
4 M Craig Bray, Bar No. 20821
5 Disciplinary Counsel
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

BEFORE THE DISCIPLINARY BOARD OF THE WASHINGTON STATE BAR ASSOCIATION

No. 08-00644

DECLARATION OF SERVICE

IN RE SHANE O NEES

ss. /

The undersigned, being first duly sworn on oath deposes and says: That he/she is now and at all times herein mentioned was a citizen of the United States, over the age of eighteen years, not a party to or interested in the above entitled action and competent to be a witness therein.

That on the **8th** day of **September, 2008 @ 03:30 PM**, at the address of **12911 EAST SPRAGUE, SPOKANE**, within **SPOKANE County, WA**, the undersigned duly served ONE copy(ies) of the following document(s): **LETTER, SUBPOENA DUCES TECUM**, in the above entitled action upon **SHANE O NEES**, by then and there personally delivering ONE true and correct copy(ies) of the above documents into the hands of and leaving same with **SHANE O NEES**.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct:

Date: 9.9.08

Service Fee: \$ _____
Return Fee: \$ _____
Mileage Fee: \$ _____
Misc. Fee: \$ _____
Total Fee: \$ _____

K BOISJOLIE

Registered Process Server
License #: 1044
Eastern Washington Attorney Services
1201 North Ash Suite 100
Spokane, Wa 99201
509-327-7018



BEFORE THE DISCIPLINARY BOARD OF THE WASHINGTON STATE BAR ASSOCIATION

No. 08-00775

DECLARATION OF SERVICE

IN RE SHANE O NEES

ss.

The undersigned, being first duly sworn on oath deposes and says: That he/she is now and at all times herein mentioned was a citizen of the United States, over the age of eighteen years, not a party to or interested in the above entitled action and competent to be a witness therein.

That on the **8th** day of **September, 2008 @ 03:30 PM**, at the address of **12911 EAST SPRAGUE , SPOKANE** , within **SPOKANE County, WA**, the undersigned duly served ONE copy(ies) of the following document(s): **LETTER, SUBPOENA DUCES TECUM**, in the above entitled action upon **SHANE O NEES**, by then and there personally delivering ONE true and correct copy(ies) of the above documents into the hands of and leaving same with **SHANE O NEES**.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct:

Date: 9-10-08

Service Fee: \$ _____
Return Fee: \$ _____
Mileage Fee: \$ _____
Misc. Fee: \$ _____
Total Fee: \$ _____

K BOISJOLIE

Registered Process Server
License #: **1044**
Eastern Washington Attorney Services
1201 North Ash Suite 100
Spokane, Wa 99201
509-327-7018



BEFORE THE DISCIPLINARY BOARD OF THE WASHINGTON STATE BAR ASSOCIATION

No. 08-00819

DECLARATION OF SERVICE

IN RE SHANE O NEES

ss. /

The undersigned, being first duly sworn on oath deposes and says: That he/she is now and at all times herein mentioned was a citizen of the United States, over the age of eighteen years, not a party to or interested in the above entitled action and competent to be a witness therein.

That on the 8th day of September, 2008 @ 03:30 PM, at the address of 12911 EAST SPRAGUE, Spokane, within SPOKANE County, WA, the undersigned duly served ONE copy(ies) of the following document(s): **LETTER, SUBPOENA DUCES TECUM**, in the above entitled action upon **SHANE O NEES**, by then and there personally delivering ONE true and correct copy(ies) of the above documents into the hands of and leaving same with **SHANE O NEES**.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct:

Date:

9.10.08

Service Fee: \$ _____
Return Fee: \$ _____
Mileage Fee: \$ _____
Misc. Fee: \$ _____
Total Fee: \$ _____


K BOISJOLIE

Registered Process Server
License #: 1044
Eastern Washington Attorney Services
1201 North Ash Suite 100
Spokane, Wa 99201
509-327-7018



200646-9

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

In re

Shane O. Nees,

Lawyer (Bar No. 29944).

Public No. 08#00078

DECLARATION OF MAIL
SERVICE

The undersigned Disciplinary Counsel of the Washington State Bar Association declares that he caused a copy of the Petition for Interim Suspension to be mailed by certified and regular first class mail with postage prepaid on October 10, 2008 to:

Shane O. Nees
PO Box 22
Fairfield, WA 99012-0022

FILED
SUPREME COURT
STATE OF WASHINGTON
2008 OCT 13 A 8:20
CLERK
RONALD B. CARPENTER

I declare under penalty of perjury under the laws of the State of Washington that the foregoing declaration is true and correct.

10/10/2008, Seattle, WA
Date and Place

C.B.
Craig Bray,
Bar No. 20821
Disciplinary Counsel
1325 4th Avenue, Suite 600
Seattle, WA 98101-2539
(206) 239-2110